

S.B.Civil Second Appeal No.59/2006.

The Punjab St.Coop. Milk Prd. Fed. Ltd.

vs.

M/s. Jasraj Ganeshmal.

Date : 23.5.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.OP Pungalia, for the appellant.

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Heard learned counsel for the appellant.

Two courts below decreed the suit of the plaintiff/respondent of Rs.38,000/- against which this second appeal has been preferred.

According to learned counsel for the appellant, there was a contract of supply of goods between the defendant and M/s.Jasraj Ganeshmal of Kota whereas the suit has been filed by the firm of Jodhpur having the same name. Learned counsel for the appellant also submits that no cause of action accrued at Jodhpur, therefore, the trial court passed the decree without jurisdiction. According to learned counsel for the appellant, as per the agreement the suit could have

been filed only in Court at Chandigarh.

I considered the submissions of learned counsel for the appellant and perused the reasons given in the judgments of the two courts below.

It appears from the judgments of the Courts below that the plaintiff/respondent produced the copy of registration certificate obtained from the Registrar of Firms as well as copy of list of the partners and on the basis of this, the courts below held that the plaintiff firm is registered partnership firm. After appreciation of evidence, the courts below held that the contract was between the plaintiff and defendant, therefore, I do not find any merit in the submission of learned counsel for the appellant regarding the suit having been filed by different firm.

So far as question of jurisdiction is concerned, that has not prejudice the appellant which is apparent from the judgment itself.

Learned counsel for the appellant also submitted that the Court below has awarded interest at the rate of 18% p.a. and the rate of interest could not have been more than 6% p.a.

It is a commercial transaction and if the Court has awarded the interest at the rate of 18% p.a.

looking to the facts of the case, it is hardly a question of law, where the total amount of suit is Rs.38,000/-.

In view of the above, I do not find any substantial question of law involved in this appeal.

Consequently, this second appeal, having no merit, is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya